

DISCUSSION OF THE AMENDMENT

Claims 1-32 are active in the present application. Claims 1-27 are previously presented claims. Claims 29-32 are new claims. Support for new Claims 29-32 is found in the specification on page 21, lines 30-37; page 51, Table 1; and page 28, lines 7-22; page 41, lines 8-31. No new matter is added.

REMARKS

On page 2 of the October 17 Office Action, the Office objected to the term “whole number” appearing in the claims of the present application and required an amendment to the claims to change the term “whole number” to “integer”. Applicants submit that no amendment to the claims is necessary and that those of ordinary skill in the art readily recognize that a whole number is an integer. As support, Applicants provide herewith a definition of the term “whole number” as it appears in the “Random House Webster’s College Dictionary,” 1999, pg. 1489.

The dictionary definition of the term whole number is “1. integer (def. 1). 2. natural number”.

Applicants request withdrawal of the objection.

The Office further asserted that the claims of the present application are anticipated by a patent to Smith (US 6,342,571). Applicants traverse the rejection on the ground that Smith does not disclose any composition containing at least the monomer (A) recited in the present claims.

Present Claim 1 requires the presence of a monomer (A) that contains at least two terminal olefinic groups. The monomer (A) is an asymmetric monomer and is defined as such by the following claim language “at least two of the olefinic groups of the monomer (A) have, in the α - and/or β -position with respect to the olefinic group, atoms which differ in nature and/or number, in the radical which connects the at least two olefinic groups.” This description of the monomer (A) is reinforced by page 21 of the present application.

In the first full paragraph on page 5 of the October 17 Office Action the Office asserts that the monomer bis[(meth)acryloyl-terminated] polyethylene glycol is the same as monomer (A) of Claim 1. Applicants submit that this monomer cannot possibly be the monomer (A) recited in present Claim 1. Both of the olefinic groups of bis[(meth)acryloyl-

terminated] polyethylene glycol are methacryloyl groups, i.e., both terminal olefinic groups are the same. This monomer is in contradiction to monomer (A) of present Claim 1 which requires that at least two of the terminal olefinic groups are different as evidenced by different α - and/or β -bond connectivity.

The rejection of the present claims as anticipated by Smith is therefore not supportable and the rejection should be withdrawn.

In case the Office questions the criticality of the asymmetry of the monomer (A), Applicants draw the Office's attention to the Examples of the present specification. Table 1 on page 51 of the specification describes a series of inventive and comparative examples. The inventive examples include a monomer (A) identified as allyl polyethylene glycol methacrylate. This monomer has two different terminal olefinic groups, i.e., one terminal allyl group and one terminal methacrylate group. The comparative example includes a similar polyethylene glycol monomer having two terminal olefinic groups, however, instead of having an allyl group and a methacrylate group, the comparative monomer has two methacrylate groups. In this sense, the comparative monomer is a symmetric monomer with respect to the terminal olefinic groups.

The monomer mixtures of Table 1 are used to prepare plastic moldings whose physical properties are described in Table 2 on page 51 of the specification. It is readily evident that the use of the asymmetric monomer (A) provides a plastic having substantially improved physical properties such as impact strength in comparison to a symmetric monomer. Table 2 shows that the impact strength of inventive Example 1 is 9.6 kg/m² whereas the impact strength of Comparative Example 1 is only 7.7 kg/m². The only difference between the compositions of Inventive and Comparative Example 1 is the use of an asymmetric monomer in the inventive example in comparison to a symmetric monomer in

the comparative example. The results of the examples are described as follows on page 52 of the specification:

It is seen that the inventive mixtures can be polymerized to give plastics with high impact strength. In contrast to this, the impact strength of known plastic mouldings is relatively low, and this improvement is attributable to the use of asymmetric monomers.

Applicants submit that the data of the original specification make it clear that the use of an asymmetric monomer is critical to obtaining substantially improved impact properties.

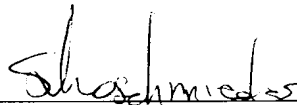
In view of the discussion above, Applicants submit that the rejections of record are not supportable and should be withdrawn. Applicants respectfully request the mailing of a Notice of Allowance acknowledging the patentability of the presently claimed subject matter.

RELATED APPLICATION

Applicants draw the Office's attention to U.S. Application No. 10/509,328 which was identified on a List of Related Cases acknowledged by the Office and returned together with the Office Action of October 17, 2007. Applicants note that the composition claimed in the related case includes a mixture of monomers that may be similar to the mixture of compounds of formula (I) and (II) of present Claim 1. It is further noted that the co-pending application is under appeal and both an Appeal Brief and Reply Brief have been filed.

Respectfully submitted,

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